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RESPONSE TO RESTRICTION REQUIREMENT

U.S. Serial No.: 09/646,835

By *SA*
CI

60. The method of claim 59, wherein said interleukin is selected from the group consisting of IL-2, IL-12 and IL-15.

REMARKS

Specification support for the limitations in the claims is shown in the following table:

LIMITATION/CLAIM	SPECIFICATION SUPPORT
Polypeptide.	Page 1, line 16 and throughout the specification.
Claim 31.	Original claims 1 and 2.
Claim 32.	Original claim 8.
Claim 33.	Original claims 7 and 9.

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LIMITATION/CLAIM	SPECIFICATION SUPPORT
Claim 34.	Original claims 7 and 10.
Claim 35.	Original claims 5 and 6.
Claim 36.	Original claim 6.
Claim 37	Original claim 13.
Claim 38.	Original claim 14.
Claim 39.	Original claim 16.
Claim 40.	Original claims 16 and 17.
Claim 41.	Original claim 17.
Claim 42.	Original claims 7, 18, 19 and 20.
Claim 43.	Original claims 21, 22 and 23.
Claim 44.	Original claim 13.
Claim 45.	Original claim 16.
Claim 46.	Original claims 16 and 17.
Claim 47.	Original claim 17.
Claim 48.	Original claims 21 and 22.
Claim 49.	Original claim 23.
Claim 50.	Original claim 24.
Claim 51.	Original claim 25.
Claim 52.	Original claim 26.
Claim 53.	Original claim 27.

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LIMITATION/CLAIM	SPECIFICATION SUPPORT
Claim 54.	Original claims 7, 17 and 24.
Claim 55.	Original claims 1, 2 and 27.
Claim 56.	Original claims 21, 22 and 23.
Claim 57.	Original claim 13.
Claim 58.	Original claim 16.
Claim 59.	Original claims 16 and 17.
Claim 60.	Original claim 17.

Thus, no prohibited new matter has been added. Accordingly, entry of the claims is requested respectfully.

I. Election

The Examiner identified 2 groups:

Group I, claims 1-17, 24, 25 and 26-28; and

Group II, claims 18-23, 29, 30 and 26-28.

Applicant elects, with traverse, Group I, claims 1-17, 24, 25 and 26-28. However, as Applicant has canceled all originally filed claims, this election is moot.

Applicant has provided a new set of claims, where ex vivo and in vivo limitations are recited. As such, and in accordance with the restriction in the outstanding Action, Applicant

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elects, with traverse, claims 31-41 and 50-54, drawn to a method of ex vivo activation of NK cells and a pharmaceutical preparation comprising Hsp70 protein or Hsp70 activated NK cells.

The Examiner asserts that the “application contains the following . . . inventions which are not so linked as to form a single general inventive concept under PCT Rule 13.1.” However, there is no explanation offered by the Examiner supporting that no link exists.

Annex B, of the Administrative Instruction Under the PCT, Unity of Invention, Part I, Instruction Concerning Unity of Invention, (b), states in part:

“The expression ‘special technical features’ is defined in Rule 13.2 as meaning those technical features that define a contribution which each of the inventions, considered as a whole, makes over the prior art.”

For the instant invention, the special technical features that contributes over the prior art comprises the activation of NK cells by Hsp70 or fragments thereof, or derivatives thereof. Examination of all independent claims demonstrates that said activation links the invention as a whole. As such, the activation of NK cells so links the claims as to form a single general concept.

For these reasons, Applicant respectfully requests that the holding of Lack of Unity be withdrawn.

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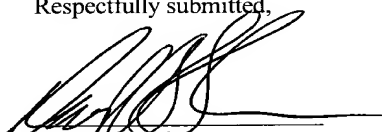
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CONCLUSION

The Examiner is respectfully requested to reconsider her position, collapse the existing Restriction Requirement and redefine the groups in a fashion wherein a greater number of claims are being examined.

Favorable consideration and early indication of allowance are solicited earnestly. The Commissioner hereby is authorized to charge payment of any fees under 37 C.F.R. § 1.17 that may become due in connection with the instant application or credit any overpayment to Deposit Account No. 18-2220.

Respectfully submitted,



Daryl A. Basham
Reg. No. 45,869

Roylance, Abrams, Berdo
& Goodman, L.L.P.
1300 19th Street, N.W., Suite 600
Washington, D.C. 20036-2680
(202) 659-9076

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